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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,944

11/18/2003

Mike Pell

13768.453

4451

47973 7590 06/01/2007  
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EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/715,944

Applicant(s)

PELL ET AL.

Examiner

Ariel Balaoing

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,36 and 38-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,36 and 38-47 is/are rejected.
- 7) ☒ Claim(s) 48 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some.\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/30/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-5, 36, 37, 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of SUGIARTO et al (US 6,278,449 B1), FANO et al (US 2002/0133545 A1), and I'ANSON et al (US 6,760,046).

Regarding claim 1, SANKURATRIPATI discloses a method of a server [ad server] selecting an interface that controls presentation of information to be delivered to a mobile user (abstract; paragraph 15-18, 59, 81), based on an identification of a user and at least one of user preferences and usage data so as to deliver information that is

contextually relevant to the user, (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.), comprising: the server receiving information identifying a physical location of a mobile device that is being used by a mobile user (paragraph 40-42; location information of user is obtained using demographic data); the server receiving information identification of the mobile user from the mobile device (paragraph 15-18, 41, 59, 81); the server retrieving aggregate user preference data based on the received identification of the mobile user, wherein the aggregate user preference data corresponds to at least one of user preferences or prior usage data (abstract; paragraph 11-15, 19, 29); and the server selecting at least one user interface, from a plurality of user interfaces, to be communicated to the mobile device of the mobile user based on determining which of the plurality of user interfaces are relevant according to at least the aggregate user preference data and the identified physical location of the mobile device, and such that the presentation format of the additional information is based on at least the aggregate user data and the physical location of the device (abstract; paragraph 15-18, 76-81; interface data includes the use of banner ads, pop-up text ads, graphical and text only ads, etc.). However, SANKURATRIPATI does not expressly disclose the server selecting at least one mobile device template for controlling the presentation of additional information at the mobile device, including a presentation format according to which the additional is displayed. SUGIARTO discloses a server selecting at least one mobile device template for controlling the presentation of additional information at the mobile device, including a presentation format according to which the additional is

displayed. (abstract; col. 2, line 5-51). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SANKURATRIPATI to include a template for controlling information presented to a user, as taught by SUGIARTO, since SUGIARTO states on col. 2, line 40-43, that such a modification would allow a user to decrease the time necessary to obtain wanted information while reducing the amount of received, unwanted information. It is further noted that the use of a graphical user interface would necessitate the use of a template of some form. However, the combination of SANKURATRIPATI and SUGIARTO does not expressly disclose identifying a current physical location of a mobile device; selecting a mobile device template according to an identified current physical location of the mobile device, and such that a presentation format of the additional information is based on the current physical location of the mobile device. FANO et al discloses identifying a current physical location of a mobile device; selecting a mobile device template according to an identified current physical location of the mobile device, and such that a presentation format of the additional information is based on the current physical location of the mobile device (abstract; Figure 4; paragraphs 42-44). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI and SUGIARTO to include the teachings of FANO, since FANO states that such a modification would allow a user to determine locally available services. However, the combination of SANKURATRIPATI, SUGIARTO, and FANO does not expressly disclose wherein: if the mobile device has a current physical location within a home geographic region, the

selected at least one mobile device template includes a home mobile device template; and if the mobile device has a current physical location anywhere outside the home geographic region, the selected at least one mobile device template includes a traveling mobile device template, wherein the traveling mobile device template is configured to include content customized to any current physical location detected by the server to be outside the home geographic region. I'ANSON discloses wherein: if a mobile device has a current physical location within a home geographic region, a selected at least one mobile device template includes a home mobile device template **[first and second user-specific interface]** (abstract; Figure 6; col. 6, line 66-col. 7, line 45); and if the mobile device has a current physical location anywhere outside the home geographic region, the selected at least one mobile device template includes a traveling mobile device template **[first and second user-specific interface]**, wherein the traveling mobile device template is configured to include content customized to any current physical location detected by the server to be outside the home geographic region (abstract; Figure 6; col. 6, line 66-col. 7, line 45). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, and FANO to include different user interfaces based on the location of the user, since I'ANSON discloses that such a modification would allow a user to customize a browser interface based on user specified preferences (col. 6, line 56-64).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI,

SUGIARTO, FANO, and l'ANSON discloses wherein rendered information is sent to a mobile browser of a mobile communication device (SUGIARTO - 12-Figure 1; col. 4, line 36-58).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses further comprising sending the information to a mobile carrier to be pushed to a mobile communications device associated with the mobile user (paragraph 30-32; as disclosed, the advertisement servers can be separate from the service carrier, and therefore it would be necessary to send advertisements to service carrier to be pushed to the user).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein rendering the information is based at least in part on an identification of the mobile communication device (paragraph 70, 78, 81).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and l'ANSON further discloses the server retrieving a user profile associated with the mobile user (SANKURATRIPATI - paragraph 72-74, 78); wherein selecting the at least mobile device template (SUGIARTO - col. 2, line 5-51) to be communicated to the user is further based on the user profile (SANKURATRIPATI - paragraph 72-74, 78).

Regarding claim 36, the combination of SANKURATRIPATI, SUGIARTO, FANO, and l'ANSON further discloses wherein selecting the at least one user template

(SUGIARTO - col. 2, line 5-51) to be communicated to the user is further based on the time indicator (SANKURATRIPATI - paragraph 49, 78).

Regarding claim 37, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein selecting at least one interface to be communicated to the user is further based on the physical location of the user (paragraph 42, 78).

Regarding claim 41, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON further disclose the server detecting a change in a current physical location of the mobile device (FANO - abstract; Figure 4; paragraphs 42-44); and the server, in response to detecting the change, providing a new mobile device template to the mobile device, wherein the new mobile device template is used to present new information to the user at the mobile device according to a different presentation format (FANO - abstract; Figure 4; paragraphs 42-44).

Regarding claim 42, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON discloses wherein the at least one mobile device template comprises at least two mobile device interfaces (SUGIARTO - abstract; Figure 3; col. 2, line 5-51).

Regarding claim 43, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein the aggregate user preference data includes at least computer usage data corresponding to



a user's tracked usage on a device other than the mobile device (paragraph 29, 41, 70; user logs on to subscribed server, which tracks usage on any device and stores the user preference).

Regarding claim 44, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON discloses wherein the at least two mobile device templates are blended to present the additional information at the mobile device (SUGIARTO – abstract; Figure 3; col. 2, line 5-51).

Regarding claim 45, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON discloses wherein the user mobile device template to be communicated controls additional information other than advertising (SUGIARTO - abstract; col. 2, line 5-51).

Regarding claim 46, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON further disclose in a mobile communication system in which a server communicates with a mobile device, a computer program product comprising computer readable storage media having computer-executable instructions stored thereon for implementing the method of claim 1 (SANKURATRIPATI – abstract; SUGIARTO – abstract; FANO - abstract).

5. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of SUGIARTO et al (US

6,278,449 B1), FANO et al (US 2002/0133545 A1) and l'ANSON et al (US 6,760,046), and in further view of GERDES et al (US 2003/0046541 A1).

Regarding claim 38, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, FANO, and l'ANSON does not disclose wherein receiving the identification of the mobile user includes receiving a PUID. GERDES discloses wherein receiving the identification of the mobile user includes receiving a PUID (paragraph 7). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, FANO, and l'ANSON to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, FANO, and l'ANSON does not disclose wherein receiving the identification of the mobile user includes receiving a PIN. GERDES discloses wherein receiving the identification of the mobile user includes receiving a PIN (paragraph 55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of

SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although SANKURATRIPATI discloses detecting identification of the mobile user (paragraph 15-18, 41, 59, 81), the combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON does not disclose wherein receiving the identification of the mobile user includes receiving a MSISDN of the mobile device. GERDES discloses wherein receiving the identification of the mobile user includes receiving a MSISDN (paragraph 53). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON to include various identification methods, as taught by GERDES, as any identification system can be used in the disclosure of SANKURATRIPATI and the use of well known identification methods would be a design choice of the system administrator.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over SANKURATRIPATI et al (US 2002/0029267 A1) in view of SUGIARTO et al (US 6,278,449 B1), FANO et al (US 2002/0133545 A1), and I'ANSON et al (US 6,760,046), in further view of LEE et al (US 2004/0117383).

Regarding claim 47, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SANKURATRIPATI further discloses wherein the

prior usage data comprises prior computer usage data (abstract; paragraph 11-15, 19, 29). However, the combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON does not expressly disclose wherein the prior art usage data comprises telephone usage data. LEE discloses wherein prior usage data comprises a composite of prior computer and telephone usage data (paragraph 71, 97). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SANKURATRIPATI, SUGIARTO, FANO, and I'ANSON to include usage data comprising a composite of prior computer and telephone usage data, since such a modification would allow a database to build a template using various telephone and computer data information (paragraph 71).

***Allowable Subject Matter***

7. Claims 48 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 48, the prior art of record does not disclose wherein said home mobile device template includes a home icon graphically representing to the mobile user that the home mobile device template is being used when the home icon is displayed on the mobile device, and wherein the traveling mobile device template

includes a traveling icon graphically representing to the mobile user that the traveling mobile device template is being used when the traveling icon is being displayed.

Claim 49 is allowable for being dependent on allowable subject matter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balaoing – Art Unit 2617

AB

Application/Control Number: 10/715,944  
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A handwritten signature in black ink, appearing to read 'W. Trost' with a stylized flourish at the end.

**WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**